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**Monday,
December 3, 2001**

Part XLVI

**Department of
Defense
General Services
Administration
National Aeronautics
and Space
Administration**

**Federal Acquisition Regulation;
Semiannual Regulatory Agenda**

**DEPARTMENT OF DEFENSE/GENERAL SERVICES
ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION (FAR)**

DEPARTMENT OF DEFENSE

**GENERAL SERVICES
ADMINISTRATION**

**NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION**

48 CFR Ch. 1

Semiannual Regulatory Agenda

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of regulations being developed by the Civilian Agency

Acquisition Council and the Defense Acquisition Regulations Council in compliance with Executive Order 12866 "Regulatory Planning and Review." This agenda is being published to allow interested persons an opportunity to participate in the rulemaking process.

The Federal Acquisition Regulation (FAR) Secretariat has attempted to list all regulations pending at the time of publication, except for minor and routine or repetitive actions; however, unanticipated requirements may result in the issuance of regulations that are not included in this agenda. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the dates shown.

FOR FURTHER INFORMATION CONTACT: Ms. Laurie Duarte, FAR Secretariat, Room 4035, GS Building, Washington, DC 20405, (202) 501-4755.

SUPPLEMENTARY INFORMATION: DoD, GSA, and NASA, under their several statutory authorities, jointly issue and maintain the FAR through periodic issuance of changes published in the **Federal Register** and produced electronically as Federal Acquisition Circulars (FACs).

The electronic version of the FAR, including changes, can be accessed on the FAR web site at <http://www.arnet.gov/FAR>.

Dated: September 14, 2001.

Al Matera,

Director, Acquisition Policy Division.

DOD/GSA/NASA(FAR)—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
4158	FAR Case 99-303, Task Order and Delivery Order Contracts	9000-AI72
4159	FAR Case 99-605, Subcontracts (Labor Standards)	9000-AI96
4160	FAR Case 98-018, Trademarks for Government Products	9000-AI98
4161	FAR Case 2000-608; New Consolidated Form for Selection of Architect-Engineer Contractors	9000-AJ15
4162	FAR Case 2000-011, Revisions to Provisions/Clauses to Accommodated Sealed Bidding and Simplified Procedures in Commercial Item Acquisitions	9000-AJ18
4163	FAR Case 2000-406, Definition of "Claim" and Terms Relating to Termination	9000-AJ19

DOD/GSA/NASA(FAR)—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
4164	FAR Case 89-093, Implementation of the Anti-Lobbying Statute	9000-AD76
4165	FAR Case 94-753, Travel Costs	9000-AG27
4166	FAR Case 95-013, Government Property	9000-AH60
4167	FAR Case 97-032, Relocation Costs	9000-AH96
4168	FAR Case 2000-302, Veterans Entrepreneurship and Small Business Development Act of 1999	9000-AI93
4169	FAR Case 2000-308, Prompt Payment Under Cost-Reimbursement Contracts for Services	9000-AJ17

DOD/GSA/NASA(FAR)—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
4170	FAR Case 91-078, Small Business Subcontracting Reporting	9000-AG04
4171	FAR Case 97-304, Electronic Commerce in Federal Procurement	9000-AI10
4172	FAR Case 99-010, Contractor Responsibility, Labor Relations Costs, and Costs Relating to Legal and Other Proceedings	9000-AI40
4173	FAR Case 98-024, Procurement Integrity Rewrite	9000-AI61
4174	FAR Case 99-022, Discussion Requirements	9000-AI68
4175	FAR Case 99-025, Cost Accounting Standards Administration	9000-AI70

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DOD/GSA/NASA(FAR)—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identification Number
4176	FAR Case 99-011, Energy Efficiency of Supplies and Services	9000-AI71
4177	FAR Case 2000-604, North American Industry Classification System (NAICS)	9000-AI75
4178	FAR Case 2000-402, Definitions for "Contract Action" and "Contracting Action"	9000-AI76
4179	FAR Case 2000-404, Definitions for Classified Acquisitions	9000-AI81
4180	FAR Case 99-017, JWOD Subcontract Preference Under Service Contracts	9000-AI82
4181	FAR Case 2000-403, Definitions for Sealed Bid and Negotiated Procurements	9000-AI84
4182	FAR Case 99-026, Final Contract Voucher Submission	9000-AI86
4183	FAR Case 99-023, Prompt Payment and the Recovery of Overpayment	9000-AI89
4184	FAR Case 99-616, Balance of Payments Program	9000-AI90
4185	FAR Case 2000-401, Definitions of "Applied Research" and "Development"	9000-AI91
4186	FAR Case 2000-007, Financing Policies	9000-AI92
4187	FAR Case 2000-304, Electronic Signatures	9000-AI94
4188	FAR Case 99-612, Application of Labor Clauses	9000-AI95
4189	FAR Case 99-024, Preference for U.S.-Flag Vessels	9000-AI97
4190	FAR Case 99-400, Geographic Use of the Term "United States"	9000-AI99
4191	FAR Case 99-614, Federal Supply Schedule Order Disputes and Incidental Items	9000-AJ01
4192	FAR Case 2000-013, Contract Types for Commercial Item Acquisitions	9000-AJ03
4193	FAR Case 2000-008, Acquisition of Helium	9000-AJ09
4194	FAR Case 2001-014, Contractor Responsibility, Labor Relations Costs, and Costs Relating to Legal and Other Proceedings—Revocation	9000-AJ10
4195	FAR Case 2000-609, Contractor Personnel in the Procurement of Information Technology Services	9000-AJ11
4196	FAR Case 2000-307, Preference for Performance-Based Contracting	9000-AJ12
4197	FAR Case 2001-017, Executive Order 13204, Revocation of Executive Order on Nondisplacement of Qualified Workers Under Certain Contracts	9000-AJ13
4198	FAR Case 2001-016, E.O. 13202, Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects	9000-AJ14
4199	FAR Case 2001-005, Notification of Overpayment, Contract Financing Payments	9000-AJ20
4200	FAR Case 98-020, Hazardous Material Safety Data	9000-AJ21

DOD/GSA/NASA(FAR)—Completed Actions

Sequence Number	Title	Regulation Identification Number
4201	FAR Case 98-614, Veterans' Employment	9000-AI46
4202	FAR Case 97-613, Application of the Davis-Bacon Act to Construction Contracts With Options To Extend the Term of the Contract	9000-AI47
4203	FAR Case 2000-303, Acquisition of Commercial Items	9000-AI88
4204	FAR Case 2000-014, Signing and Retention of High-Technology Workers	9000-AJ00
4205	FAR Case 2001-001, Very Small Business Pilot Program	9000-AJ16

DEPARTMENT OF DEFENSE/GENERAL SERVICES
ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION (FAR)

Proposed Rule Stage

4158. FAR CASE 99-303, TASK
ORDER AND DELIVERY ORDER
CONTRACTS

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC 137; 42 USC 2473(c)

CFR Citation: 48 CFR 2; 48 CFR 16

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement portions of section 804 of the National Defense Authorization Act for FY 2000, Public Law 106-65. This regulatory action was not subject to Office of Management and Budget

review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	08/23/01	66 FR 44518

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Proposed Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	10/22/01	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI72**4159. • FAR CASE 99-605, SUBCONTRACTS (LABOR STANDARDS)****Priority:** Economically Significant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 22; 48 CFR 52; 48 CFR 53**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to clarify that the clause entitled "Subcontracts (Labor Standards)" flows down only to subcontracts for construction with the United States and that the clause entitled "Contract Work Hours and Safety Standards Act-Overtime Compensation" does not flow down unless included in the contract. This regulatory action was not subject to Office of Management and Budget review of Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a

paperwork burden associated with this action.

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RIN: 9000-AI96**4160. • FAR CASE 98-018, TRADEMARKS FOR GOVERNMENT PRODUCTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(a); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 27; 48 CFR 52**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to provide guidance on the use of names, symbols, and logos that describe Government products, services, systems, and programs. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804

Timetable:

Action	Date	FR Cite
NPRM	08/09/01	66 FR 42102
NPRM Comment Period End	10/09/01	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI98**4161. • FAR CASE 2000-608; NEW CONSOLIDATED FORM FOR SELECTION OF ARCHITECT-ENGINEER CONTRACTORS****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 36**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to replace Standard Forms 254 and 255 with proposed Standard Form 330, Architect-Engineer Qualification. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	10/19/01	66 FR 53314
NPRM Comment Period End	12/18/01	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

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RIN: 9000-AJ15**4162. • FAR CASE 2000-011, REVISIONS TO PROVISIONS/CLAUSES TO ACCOMMODATED SEALED BIDDING AND SIMPLIFIED PROCEDURES IN COMMERCIAL ITEM ACQUISITIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 52**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to update FAR provisions relating to Instructions to Offerors-Commercial Items and

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Offeror Representations and Certifications-Commercial Items, to accommodate sealed bidding and simplified acquisitions. This regulatory action is not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	08/22/01	66 FR 44288
NPRM Comment Period End	10/22/01	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AJ18

4163. • FAR CASE 2000-406, DEFINITION OF "CLAIM" AND TERMS RELATING TO TERMINATION

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 2; 48 CFR 17; 48 CFR 33; 48 CFR 49; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to clarify and move the definitions of "claim" and certain terms relating to termination to part 2 of the FAR. This regulatory action was not subject to Office of Management and Budget

review under Executive 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	08/15/01	66 FR 42922
NPRM Comment Period End	10/15/01	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AJ19

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Final Rule Stage

4164. FAR CASE 89-093, IMPLEMENTATION OF THE ANTI-LOBBYING STATUTE

Priority: Substantive, Nonsignificant

Legal Authority: PL 101-121, sec 319

CFR Citation: 48 CFR 3; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement section 319 of Public Law 101-121, which added a new section 1352 to title 31 U.S.C. entitled "Limitation on Use of Appropriated Funds to Influence Certain Federal Contracting and Financial Transactions." Section 319 generally prohibits recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying the executive or legislative branches of the Federal Government in connection with a specific contract, grant, or loan. Section 319 also requires that each person who requests or receives a Federal contract, grant, or cooperative agreement, in excess of \$100,000, or a

loan or Federal commitment to insure or guarantee a loan, in excess of \$150,000, must disclose lobbying with other than appropriated funds.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/30/90	55 FR 3190
Interim Final Rule Comment Period End	04/02/90	
Final Action	01/00/02	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

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RIN: 9000-AD76

4165. FAR CASE 94-753, TRAVEL COSTS

Priority: Other Significant

Legal Authority: PL 103-355

CFR Citation: 48 CFR 31.205-46

Legal Deadline: Final, Statutory, October 1, 1995, The Federal Acquisition Streamlining Act eliminated the statutory requirement to the travel cost principle concerning the Federal Travel Regulations. No regulatory implementation was required.

Abstract: This rule is issued pursuant to the Federal Acquisition Streamlining Act of 1994, Public Law 103-355 (the Act). The Federal Acquisition Regulatory Council is considering

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amending the Federal Acquisition Regulation (FAR) as a result of changes to 41 U.S.C. 22 by section 2191 of the Act. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	12/14/94	59 FR 64542
NPRM Comment Period End	02/13/95	
NPRM	05/20/99	64 FR 27654
NPRM Comment Period End	07/19/99	
Final Action	01/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AG27

4166. FAR CASE 95-013, GOVERNMENT PROPERTY

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC 137; 42 USC 2473(c)

CFR Citation: 48 CFR 45; 48 CFR 52

Legal Deadline: None

Abstract: The rule amends the Federal Acquisition Regulation (FAR) to simplify procedures, reduce recordkeeping, and eliminate requirements related to the management and disposition of Government property in the possession of contractors. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	06/02/97	62 FR 30186

Action	Date	FR Cite
NPRM Comment Period End	08/15/97	
NPRM	01/10/00	65 FR 1438
NPRM Comment Period End	03/10/00	
Final Action	01/00/02	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (MVRS-FAR Secretariat), 18th and F Streets NW, Washington, DC 20405
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RIN: 9000-AH60

4167. FAR CASE 97-032, RELOCATION COSTS

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 31

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to remove the ceilings imposed on certain types of relocation costs; to permit reimbursement of relocation costs on an appropriate lump-sum basis; and to make allowable payments for spouse employment assistance and payments for increase employee income and social security taxes incident to allowable reimbursed relocation. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	05/25/99	64 FR 28330
NPRM Comment Period End	07/26/99	
Final Action	01/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Laurie Duarte, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (MVRS-FAR Secretariat), 18th and F Streets NW, Washington, DC 20405
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RIN: 9000-AH96

4168. FAR CASE 2000-302, VETERANS ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT ACT OF 1999

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC 137; 42 USC 2473(c); PL 106-50

CFR Citation: 48 CFR 2; 48 CFR 4; 48 CFR 5; 48 CFR 7; 48 CFR 19; 48 CFR 52; 48 CFR 53

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement section 803 of the Small Business Reauthorization Act of 2000, part of the Consolidated Appropriations Act 2001 (Pub. L. 106-554). The Act established new assistance programs for veterans and service-disabled veterans who own and operate small businesses. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/11/00	65 FR 60542
Interim Final Rule Effective	10/11/00	
Interim Final Rule Comment Period End	12/11/00	
Interim Final Rule	10/22/01	66 FR 53492
Interim Final Rule Effective	10/22/01	
Interim Final Rule Comment Period End	12/21/01	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

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Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

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RIN: 9000-AI93

4169. • FAR CASE 2000-308, PROMPT PAYMENT UNDER COST-REIMBURSEMENT CONTRACTS FOR SERVICES

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 32; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to require agencies to pay an interest penalty whenever they make an interim payment under a cost-reimbursement contract for services more than 30 days after the agency receives a proper invoice from the contractor. This regulatory action is not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/22/01	66 FR 53485
Interim Final Rule Effective	10/22/01	
Interim Final Rule Comment Period End	12/21/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AJ17

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Long-Term Actions

4170. FAR CASE 91-078, SMALL BUSINESS SUBCONTRACTING REPORTING

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC 2301 to 2331; 42 USC 2473(c)

CFR Citation: 48 CFR 53.219

Legal Deadline: None

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are proposing to amend FAR 53.219 to authorize the addition of a column to the Standard Form 295, Summary Subcontract Report, to report the number of subcontracts awarded to small business concerns, small disadvantaged business concerns, and women-owned small business enterprises. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	09/26/94	59 FR 49037

Action	Date	FR Cite
NPRM Comment Period End	11/25/94	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

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RIN: 9000-AG04

4171. FAR CASE 97-304, ELECTRONIC COMMERCE IN FEDERAL PROCUREMENT

Priority: Substantive, Nonsignificant

Legal Authority: PL 105-85, sec 850

CFR Citation: 48 CFR 2; 48 CFR 4; 48 CFR 5; 48 CFR 12; 48 CFR 13; 48 CFR 14; 48 CFR 19; 48 CFR 22; 48 CFR 34; 48 CFR 35; 48 CFR 36

Legal Deadline: Final, Statutory, May 16, 1998.

Abstract: This rule amends the Federal Acquisition Regulation to implement section 850 of the National Defense Act for FY 1998 (Pub. L. 105-85) to eliminate the preference for electronic commerce within Federal Acquisition Computer Network. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/30/98	63 FR 58590
Interim Final Rule Effective	10/30/98	
Interim Final Rule Comment Period End	12/29/98	
NPRM	08/21/00	65 FR 50872
NPRM Comment Period End	10/20/00	
Interim Final Rule	05/16/01	66 FR 27407

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Long-Term Actions

Action	Date	FR Cite
Interim Final Rule Comment Period End	07/16/01	
Next Action Undetermined		

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI10

4172. FAR CASE 99-010, CONTRACTOR RESPONSIBILITY, LABOR RELATIONS COSTS, AND COSTS RELATING TO LEGAL AND OTHER PROCEEDINGS

Priority: Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC 137; 42 USC 2473(c)

CFR Citation: 48 CFR 9.104-1; 48 CFR 14.404-2; 48 CFR 15.503; 48 CFR 31.205-21; 48 CFR 31.205-47; 48 CFR 52.209-5; 48 CFR 52.212-3

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to clarify coverage and give examples of suitable contractor responsibility considerations. The rule also makes unallowable the costs of attempting to influence employee decisions regarding unionization. In addition, the rule makes unallowable those legal expenses related to defense of judicial or administrative proceedings brought by the Federal Government when a contractor is found to have violated a law or regulation, or the proceeding is settled by consent or compromise, except to the extent specifically provided as part of the settlement agreement. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	07/09/99	64 FR 37360
NPRM Comment Period End	11/08/99	
NPRM	06/30/00	65 FR 40830
NPRM Comment Period End	08/29/00	
Final Rule	12/20/00	65 FR 80256
Final Rule Effective	01/19/01	
Interim Final Rule (Stay of Final Rule)	04/03/01	66 FR 17754
Interim Final Rule Effective	04/03/01	
Interim Final Rule Comment Period End	06/04/01	
Next Action Undetermined		

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI40

4173. FAR CASE 98-024, PROCUREMENT INTEGRITY REWRITE

Priority: Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC 137; 42 USC 2473(c)

CFR Citation: 48 CFR 2; 48 CFR 3; 48 CFR 4; 48 CFR 9; 48 CFR 15; 48 CFR 52; ...

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to rewrite in plain language and clarify guidance regarding procurement integrity in A-76 procurements. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	03/29/00	65 FR 16758

Action	Date	FR Cite
NPRM Comment Period End	05/30/00	
Next Action Undetermined		

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI61

4174. FAR CASE 99-022, DISCUSSION REQUIREMENTS

Priority: Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 15**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to clarify the scope of discussions in competitive negotiated acquisitions. This regulatory action is not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	04/03/00	65 FR 17582
NPRM Comment Period End	06/02/00	
Final Action	To Be Determined	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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Long-Term Actions

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4175. FAR CASE 99-025, COST ACCOUNTING STANDARDS ADMINISTRATION

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC 137; 42 USC 2473(c)

CFR Citation: 48 CFR 30; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to delineate the process for determining and resolving the cost impact on contracts and subcontracts when a contractor makes a compliant change to a cost accounting practice or follows a noncompliant practice. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	04/18/00	65 FR 20854
NPRM Comment Period End	06/19/00	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

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RIN: 9000-AI70

4176. FAR CASE 99-011, ENERGY EFFICIENCY OF SUPPLIES AND SERVICES

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC 137; 42 USC 2473(c)

CFR Citation: 48 CFR 2; 48 CFR 11; 48 CFR 15; 48 CFR 23; 48 CFR 42

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement Executive Order (E.O.) 13123 of June 3, 1999, Greening the Government through Efficient Energy Management. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	05/10/00	65 FR 30310
NPRM Comment Period End	07/10/00	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI71

4177. FAR CASE 2000-604, NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS)

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC 137; 42 USC 2473(c)

CFR Citation: 48 CFR 5; 48 CFR 19; 48 CFR 23; 48 CFR 52; 48 CFR 53

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to convert size standards and other programs in the FAR based on the Standard Industrial Classification (SIC) system to the North American Industry Classification System (NAICS). This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866,

dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/26/00	65 FR 46055
Interim Final Rule Comment Period End	09/25/00	
Interim Final Rule Effective	10/01/00	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

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RIN: 9000-AI75

4178. FAR CASE 2000-402, DEFINITIONS FOR "CONTRACT ACTION" AND "CONTRACTING ACTION"

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC 137; 42 USC 2473(c)

CFR Citation: 48 CFR 1; 48 CFR 5; 48 CFR 8; 48 CFR 17; 48 CFR 19; 48 CFR 32; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to provide for consistent use of the term "contract action." This case is one of a series of cases that implement the White House memorandum, Plain Language in Government Writing, dated June 1, 1999. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	05/31/00	65 FR 34894

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Action	Date	FR Cite
NPRM Comment Period End	07/31/00	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI76**4179. FAR CASE 2000-404, DEFINITIONS FOR CLASSIFIED ACQUISITIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 2; 48 CFR 4; 48 CFR 14; 48 CFR 32**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to provide consistent definitions for classified acquisitions. This case is one of a series of cases in response to the White House memorandum, Plain Language in Government Writing, dated June 1, 1999. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866 and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	07/28/00	65 FR 46558
NPRM Comment Period End	09/26/00	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no

paperwork burden associated with this action.

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RIN: 9000-AI81**4180. FAR CASE 99-017, JWOD SUBCONTRACT PREFERENCE UNDER SERVICE CONTRACTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 8; 48 CFR 44; 48 CFR 52**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement changes relating to preferences for award of subcontracts under service contracts to nonprofit workshops designated by the Committee for Purchase From People Who Are Blind or Severely Disabled (Javits-Wagner-O'Day (JWOD) (41 U.S.C. 48)). This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866 and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	07/03/00	65 FR 41266
NPRM Comment Period End	09/01/00	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI82**4181. FAR CASE 2000-403, DEFINITIONS FOR SEALED BID AND NEGOTIATED PROCUREMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 2; 48 CFR 3; 48 CFR 14; 48 CFR 15; 48 CFR 28; 48 CFR 35; 48 CFR 52**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to provide consistent definitions for sealed bids and negotiated procurements. This case is one of a series of cases in response to the White House memorandum, Plain Language in Government Writing, dated June 1, 1999. This regulatory action is not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	07/11/00	65 FR 42852
NPRM Comment Period End	09/11/00	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI84**4182. FAR CASE 99-026, FINAL CONTRACT VOUCHER SUBMISSION****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 42; 48 CFR 52**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to explicitly state the right of the

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contracting officer to unilaterally determine the final contract payment amount when the contractor does not submit the final invoice or voucher within the time specified in the contract. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	07/27/00	65 FR 46332
NPRM Comment Period End	09/25/00	
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI86

4183. FAR CASE 99-023, PROMPT PAYMENT AND THE RECOVERY OF OVERPAYMENT

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486 (c); 10 USC 137; 42 USC 2473(c)

CFR Citation: 48 CFR 2; 48 CFR 32; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to reflect changes made to the Office of Management and Budget prompt payment regulations; simplify and clarify the prompt payment coverage currently in the FAR; require the contractor to notify the contracting officer if the contractor becomes aware of an overpayment; and write all new and revised text using plain language in accordance with the White House memorandum, Plain Language in Government Writing, dated June 1, 1998. This regulatory action was not subject to Office of Management and

Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	08/28/00	65 FR 52243
NPRM Comment Period End	10/27/00	
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

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RIN: 9000-AI89

4184. FAR CASE 99-616, BALANCE OF PAYMENTS PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC 137; 42 USC 2473(c)

CFR Citation: 48 CFR 13; 48 CFR 25; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to remove subpart 25.3, Balance of Payments Program, and makes conforming changes to FAR parts 13 and 52. This regulatory action is not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	09/11/00	65 FR 54936
NPRM Comment Period End	11/13/00	
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no

statutory requirement. There is a paperwork burden associated with this action.

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RIN: 9000-AI90

4185. FAR CASE 2000-401, DEFINITIONS OF "APPLIED RESEARCH" AND "DEVELOPMENT"

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC 137; 42 USC 2473(c)

CFR Citation: 48 CFR 2; 48 CFR 31; 48 CFR 35

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to move the definitions of "Applied Research" and "Development" from separate areas of the FAR into the same FAR section pertaining to definitions. This regulatory action is not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	09/11/00	65 FR 54940
NPRM Comment Period End	11/13/00	
Next Action	Undetermined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI91

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**4186. FAR CASE 2000-007,
FINANCING POLICIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 32; 48 CFR 52**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to permit the use of performance-based payments type of financing on fixed-price contracts prior to definitization and to establish a standard time period of 30 days that contractors have to pay their vendors after the contractors have billed the Government for incurred vendor costs. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804

Timetable:

Action	Date	FR Cite
NPRM	09/18/00	65 FR 56454
NPRM Comment Period End	11/17/00	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI92**4187. FAR CASE 2000-304,
ELECTRONIC SIGNATURES****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 2; 48 CFR 4**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to clarify and encourage the use of electronic signatures in Federal procurement. This

regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804

Timetable:

Action	Date	FR Cite
NPRM	11/01/00	65 FR 65698
NPRM Comment Period End	01/02/01	
Next Action	Undetermined	

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI94**4188. FAR CASE 99-612,
APPLICATION OF LABOR CLAUSES****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 52**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) by amending the clause, Terms and Conditions-Simplified Acquisitions (Other Than Commercial Items), to include the Prohibition of Segregated Facilities clause and to clarify the application of labor clauses below the simplified acquisition threshold and to amend the Equal Opportunity clause to incorporate the exception for work performed outside the United States. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	10/26/00	65 FR 64298

Action	Date	FR Cite
NPRM Comment Period End	12/26/00	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI95**4189. FAR CASE 99-024,
PREFERENCE FOR U.S.-FLAG
VESSELS****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 486(c); 10 USC 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 2; 48 CFR 12; 48 CFR 32; 48 CFR 47; 48 CFR 52**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) regarding the applicability of statutory requirements for use of U.S.-flag vessels in the transportation of supplies by sea. The FAR presently waives these requirements for subcontracts for the acquisition of commercial items. The rule requires the use of U.S.-flag vessels under certain subcontracts for commercial items. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804

Timetable:

Action	Date	FR Cite
NPRM	11/07/00	65 FR 66920
NPRM Comment Period End	01/08/01	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

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Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

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RIN: 9000-AI97

4190. • FAR CASE 99-400, GEOGRAPHIC USE OF THE TERM "UNITED STATES"

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 2; 48 CFR 3; 48 CFR 4; 48 CFR 5; 48 CFR 6; 48 CFR 8; 48 CFR 9; 48 CFR 14; 48 CFR 19; 48 CFR 22; 48 CFR 23; 48 CFR 25; 48 CFR 26; 48 CFR 28; 48 CFR 29; 48 CFR 31; 48 CFR 35; 48 CFR 36; 48 CFR 42; 48 CFR 47; 48 CFR 52; 48 CFR 53

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to review and clarify the use of the term "United States" in the FAR. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	07/27/01	66 FR 39230
NPRM Comment Period End	09/25/01	

Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AI99

4191. FAR CASE 99-614, FEDERAL SUPPLY SCHEDULE ORDER DISPUTES AND INCIDENTAL ITEMS

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC 137; 42 USC 2473(c)

CFR Citation: 48 CFR 8; 48 CFR 51

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to add policies on disputes and incidental items under Federal Supply Schedule contracts and to remove the requirement to notify the General Services Administration when a schedule contractor refuses to honor an order placed by a Government contractor. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	12/29/00	65 FR 79702
NPRM Comment Period End	02/20/01	

Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AJ01

4192. FAR CASE 2000-013, CONTRACT TYPES FOR COMMERCIAL ITEM ACQUISITIONS

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC 137; 42 USC 2473(c)

CFR Citation: 48 CFR 12; 48 CFR 16

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to provide clarification on what contract types are authorized for commercial item acquisitions. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	12/29/00	65 FR 83292
NPRM Comment Period End	02/27/01	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AJ03

4193. FAR CASE 2000-008, ACQUISITION OF HELIUM

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC 137; 42 USC 2473(c)

CFR Citation: 48 CFR 8; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation to implement the Helium Privatization Act of 1996 (Pub. L. 104-273) and associated changes to the U.S. Department of the Interior's regulations regarding its helium program. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	01/11/01	66 FR 2752

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Action	Date	FR Cite
NPRM Comment Period End	03/12/01	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

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RIN: 9000-AJ09

4194. FAR CASE 2001-014, CONTRACTOR RESPONSIBILITY, LABOR RELATIONS COSTS, AND COSTS RELATING TO LEGAL AND OTHER PROCEEDINGS—REVOCATION

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 9; 48 CFR 14; 48 CFR 15; 48 CFR 31; 48 CFR 52

Legal Deadline: None

Abstract: The Federal Acquisition Regulations Council (FAR Council) published in the Federal Register at 65 FR 80255, December 20, 2000, a final rule addressing contractor responsibility and costs incurred in legal and other proceedings. The FAR Council is reconsidering its position and requests public comments on this proposed rule revoking the December 20, 2000, final rule. In an interim FAR rule (under FAR Case 1999-010, Contractor Responsibility, Labor Relations Cost, and Costs Relating to Legal and Other Proceedings, that is being published today) the FAR Council is staying the final rule.

Timetable:

Action	Date	FR Cite
NPRM	04/03/01	66 FR 17758
NPRM Comment Period End	06/04/01	

Action	Date	FR Cite
NPRM Comment Period End	07/06/01	66 FR 23134
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

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RIN: 9000-AJ10

4195. • FAR CASE 2000-609, CONTRACTOR PERSONNEL IN THE PROCUREMENT OF INFORMATION TECHNOLOGY SERVICES

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 39

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement section 813 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Pub. L. 106-398). The Act requires that the FAR be amended to address the use, in the procurement of information technology services, of requirements regarding the experience and education of contractor personnel. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/02/01	66 FR 22084
Interim Final Rule Effective	07/02/01	
Comment Period End		
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AJ11

4196. • FAR CASE 2000-307, PREFERENCE FOR PERFORMANCE-BASED CONTRACTING

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 2; 48 CFR 37

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement section 821 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001. The FAR rule explicitly establishes a preference for performance-based contracting when acquiring services. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/02/01	66 FR 22802
Interim Final Rule Effective	05/02/01	
Interim Final Rule Comment Period End	07/02/01	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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FAR

Long-Term Actions

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RIN: 9000-AJ12

4197. • FAR CASE 2001-017, EXECUTIVE ORDER 13204, REVOCATION OF EXECUTIVE ORDER ON NONDISPLACEMENT OF QUALIFIED WORKERS UNDER CERTAIN CONTRACTS

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 17; 48 CFR 22; 48 CFR 36

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement Executive Order (EO) 13204, Revocation of Executive Order on Nondisplacement of Qualified Workers Under Certain Contracts, signed by the President on February 17, 2001. This regulatory action was not subject to Office of Management and Budget Review under Executive 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/16/01	66 FR 27416
Interim Final Rule Effective	05/16/01	
Interim Final Rule Comment Period End	07/16/01	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AJ13

4198. • FAR CASE 2001-016, E.O. 13202, PRESERVATION OF OPEN COMPETITION AND GOVERNMENT NEUTRALITY TOWARDS GOVERNMENT CONTRACTORS' LABOR RELATIONS ON FEDERAL AND FEDERALLY FUNDED CONSTRUCTION PROJECTS

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 17; 48 CFR 22; 48 CFR 36

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement Executive Order (EO) 13202, Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects, which prohibits including requirements for affiliation with a labor organization as a condition for awards of any contract or subcontract for construction or construction management services. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/16/01	66 FR 27414
Interim Final Rule Effective	05/16/01	
Interim Final Rule Comment Period End	07/16/01	
Next Action	Undetermined	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 9000-AJ14

4199. • FAR CASE 2001-005, NOTIFICATION OF OVERPAYMENT, CONTRACT FINANCING PAYMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to require the contractor to notify the contracting officer if the Government overpays the contractor when making a contract financing payment. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

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RIN: 9000-AJ20

4200. • FAR CASE 98-020, HAZARDOUS MATERIAL SAFETY DATA

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 23; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to revise the language that provides policies and procedures for contractor submission of Material Safety Data Sheets (MSDSs). This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866,

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dated September 30, 1993, and is not a major rule under 5 U.S.C. 804. RIN 9000-AI87 was withdrawn in the April 2001 Unified Agenda, published in the Federal Register on May 14, 2001.

Timetable:

Action	Date	FR Cite
NPRM	To Be	Determined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

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RIN: 9000-AJ21

**DEPARTMENT OF DEFENSE/GENERAL SERVICES
ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION (FAR)**

Completed Actions

4201. FAR CASE 98-614, VETERANS' EMPLOYMENT

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 12; 48 CFR 13; 48 CFR 22; 48 CFR 52

Completed:

Reason	Date	FR Cite
Final Action	10/22/01	66 FR 53487

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

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RIN: 9000-AI46

4202. FAR CASE 97-613, APPLICATION OF THE DAVIS-BACON ACT TO CONSTRUCTION CONTRACTS WITH OPTIONS TO EXTEND THE TERM OF THE CONTRACT

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 1; 48 CFR 22; 48 CFR 52

Completed:

Reason	Date	FR Cite
Final Action	10/22/01	66 FR 53479

Regulatory Flexibility Analysis Required: Yes

Government Levels Affected: Federal

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RIN: 9000-AI47

4203. FAR CASE 2000-303, ACQUISITION OF COMMERCIAL ITEMS

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 2; 48 CFR 12; 48 CFR 46; 48 CFR 52

Completed:

Reason	Date	FR Cite
Final Action	10/22/01	66 FR 53483

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

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RIN: 9000-AI88

4204. FAR CASE 2000-014, SIGNING AND RETENTION OF HIGH-TECHNOLOGY WORKERS

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 31

Completed:

Reason	Date	FR Cite
Withdrawn	08/03/01	66 FR 40838

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

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RIN: 9000-AJ00

4205. • FAR CASE 2001-001, VERY SMALL BUSINESS PILOT PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 19

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) by extending, for 3 additional years, the Very Small Business Pilot Program until September 30, 2003. This rule implements section 503(c) of the Small Business Reauthorization Act of 2000 (part of Public Law 106-554). This regulatory action is not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Final Action	10/22/01	66 FR 53500
Final Action Effective	12/21/01	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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Completed Actions

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[FR Doc. 01-23856 Filed 11-30-01; 8:45 am]

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